

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

DEVONTAY POWELL,	)	
	)	
Plaintiff	)	
	)	No. 1:15-0082
v.	)	Chief Judge Sharp/Bryant
	)	
BUCKY ROWLAND, <i>et al.</i> ,	)	
	)	
Defendants	)	

TO: THE HONORABLE KEVIN H. SHARP, CHIEF JUDGE

**REPORT AND RECOMMENDATION**

On September 22, 2015, the Court granted Plaintiff's application to proceed *in forma pauperis*, and directed the Clerk to send to Plaintiff a service packet for each Defendant (Docket Entry No. 3 at 2).

Plaintiff was ordered to complete these service packets and return them to the Clerk's office within 21 days of the receipt of the Court's order. This order also forewarned the Plaintiff that his failure to return the completed service packets within the time required would jeopardize his prosecution of this action.

On November 6, 2015, after Plaintiff failed to return the complete service packets as ordered by the Court, the undersigned Magistrate Judge entered an order to show cause requiring Plaintiff to show cause on or before November 23, 2015, while his complaint should not be dismissed for his failure to comply with the order of the Court requiring the return of completed service packets. This order admonished the Plaintiff that his failure to respond may cause the undersigned Magistrate Judge to recommend that his complaint be dismissed.

Plaintiff has failed to make any response to this order to show cause.

For the foregoing reasons, the undersigned Magistrate Judge finds that Plaintiff's complaint should be dismissed for his failure to

comply with the Court's order directing him to return complete service packets for the Defendants.

#### **RECOMMENDATION**

For the reason stated above, the undersigned Magistrate Judge recommends that the complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to comply with the Court's order requiring return of completed service packets.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

**ENTER** this 5<sup>th</sup> day of January, 2016

/s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge